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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,290	12/12/2003	Riko Nagai	9683/161	9940
7590	12/28/2006			EXAMINER
Tadashi Horie Brinks Hofer Gilson & Lione NBC Tower, Suite 3600 P.O. Box 10395 Chicago, IL 60610				WON, MICHAEL YOUNG
			ART UNIT	PAPER NUMBER
			2155	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	12/28/2006	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/735,290	NAGAI ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
Michael Y. Won	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 12 December 2003.  
2a)  This action is **FINAL**.                    2b)  This action is non-final.  
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-4 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1,3 and 4 is/are rejected.

7)  Claim(s) 2 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See *Continuation Sheet*.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12/12/03, 1/12/06, 2/17/06, 8/28/06.

## **DETAILED ACTION**

1. This action is in response to the Application filed December 12, 2003.

2. Claims 1-4 have been examined and are pending with this action.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said restriction information" in lines 6-7. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Traw et al. (US 5,949,877 A) in view of Risan et al. (US 2003/0221127 A1).

As per **claim 1**, Thaw teaches a communication device capable of transmitting content to another communication device, comprising:

determining means for determining whether said another communication device has a function for restricting redistribution of content (see col.1, lines 42-45: "protecting content from copying and/or misuse"; and col.2, lines 51-60: "all devices participating in the content transfer have been authenticated"); and

transmitting means for transmitting said content (see col.12, lines 52-53: "transferring content from content source to content sink") when it is determined by said determining means that said another communication device to which said content is to be transmitted is provided with a function for restricting redistribution of said content (see col.1, lines 42-45: "compliant devices" and col.2, lines 51-60: "and should avoid transferring protected content unless all devices... have been authenticated").

Thaw does not explicitly teach of a content to which redistribution restriction information is appended.

Risan teaches of a content to which redistribution restriction information is appended (see page 4, [0036]: "web server issues to the client device 204 a redirect command to the current address location of the desired media content along with a time sensitive access key...").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Thaw in view of Risan so that redistribution

restriction information can be appended. One would be motivated to do so because Traw teaches of protecting copyrights (see col.1, lines 42-44).

As per **claim 3**, which depends on claim 1, Traw and Risan teaches of further comprising:

redistribution restriction information appending means for appending said redistribution restriction information to said content in response to a user instruction (see claim 1 rejection above),

wherein said transmitting means transmits to said another communication device said content to which said redistribution restriction information is appended by said redistribution restriction information appending means (see claim1 rejection above).

As per **claim 4**, Thaw teaches a transmission restriction method for use in a communication device capable of transmitting content to another communication device, comprising:

an instruction detection step of detecting an instruction for transmitting said content to said another communication device (see col.12, lines 52-53: "transferring content from content source to content sink") where said content instructs said another communication device to restrict output of said content to an external device (see col.1, lines 42-45: "protecting content from copying and/or misuse");

a function detection step of detecting, after said instruction detection step, that said another communication device has a redistribution restriction function for restricting output of said content to an external device according to said redistribution restriction information (see col.1, lines 42-45: "protecting content from copying and/or misuse"; and

col.2, lines 51-60: "all devices participating in the content transfer have been authenticated"); and

a transmission step of transmitting, after said function detection step, said content to said another communication device (see col.12, lines 52-53: "transferring content from content source to content sink").

Thaw does not explicitly teach that the content is appended with redistribution restriction information.

Risan teaches that the content is appended with redistribution restriction information (see page 4, [0036]: "web server issues to the client device 204 a redirect command to the current address location of the desired media content along with a time sensitive access key...").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Thaw in view of Risan so that the content is appended with redistribution restriction information. One would be motivated to do so because Traw teaches of protecting copyrights (see col.1, lines 42-44).

### ***Allowable Subject Matter***

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose, teach, or suggest neither singly nor in combination the claimed limitation of "wherein said determining means comprises:

*acquisition means for acquiring first identification information from said another communication device for identifying whether said another communication device has said function for restricting redistribution of said content; and*

*memory storage means for storing second identification information for identifying communication devices having said function for restricting redistribution of said content,*

*wherein said determining means determines whether said first identification information acquired by said acquisition means corresponds to any of second identification information stored in said memory storage means, and decides that said another communication device has said function for restricting redistribution of said content when it is determined that said first identification information acquired by said acquisition means corresponds to any of second identification information stored in said memory storage means" as recited in claim 2.*

### **Conclusion**

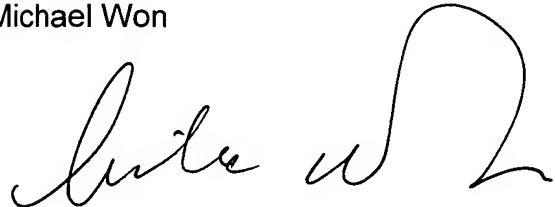
6. For the reason above claims 1, 3, and 4 have been rejected, claim 2 has been objected and claims 1-4 remain pending with this application.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Won



December 19, 2006